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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/235,038	01/21/1999	STEVE KRUY	777.240US1	5262

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EXAMINER

COLBERT, ELLA

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 04/25/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

B

Office Action Summary

Application No.

09/235,038

Applicant(s)

KRUY ET AL.

Examiner

Ella Colbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Claims 1-18 are presented for examination in this communication filed 02/01/02 as RCE/Extension of Time has been entered as paper no. 17.
2. The corrected drawings filed 02/01/02 has been reviewed and approved by the Examiner and entered as paper no. 16.
3. The Request for Refund filed 02/28/02 has been entered as paper no. 18.
4. Amendment C filed 01/22/02 has been entered as paper no. 19.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,145,119) House et al, hereafter House in view of (US 4,558,413) Schmidt et al, hereafter Schmidt.

With respect to claim 1, House teaches a first program to manipulate an item (col. 2, lines 4-8), a database having the item (col. 3, lines 44-50).

House did not teach, a source code control (SCC) system to store versions of the item and a second program to check in and check out the item, such that modification of the item is restricted when the item is checked out.

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Schmidt discloses a source code control (SCC) system to store versions of the item (col. 3, lines 56-60), and a second program to check in and check out the item, such that modification of the item is restricted when the item is checked out (col. 4, lines 3-22 and col. 8, lines 45-50). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a source code control (SCC) system to store versions of the item and a second program to check in and check out the item, such that modification of the item is restricted when the item is checked out a second program to check in and check out the item, such that modification of the item is restricted when the item is checked out and to combine House's a database having the item with Schmidt's source code control (SCC) system to store versions of the item and a second program to check in and check out the item, such that modification of the item is restricted when the item is checked out a second program to check in and check out the item, such that modification of the item is restricted when the item is checked out because such a modification in House would allow House's system manage the versions of source code programs enforcing a check-in and check-out regimen for controlling access to versions of programs being changed (modified).

With respect to claim 2, House teaches the first program comprises an editor program to edit the stored item (col. 5, lines 10-27). Schmidt discloses the first program comprises an editor program to edit the stored item (col. 18, lines 44-62). Together House and Schmidt teach the claim limitations of claim 2.

With respect to claim 3, House teaches the first program and the second program (col. 4, lines 32-49). Schmidt discloses checking the item out (col. 3, lines 57-60). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first program to request to check out the item and the second program check out the item to the first program and to combine House's first program and second program with Schmidt's checking the item out because such a modification in House would allow House to have a Source Code Control System (SCC) that enforces the check-out regime and to control access to the first program and the second program.

With respect to claim 4, House teaches the second program provides the first program a choice of one or more different versions of the item at the Source Code Control (SCC) System and one or more different versions of the item at the database (col. 6, lines 17-34 and col. 7, lines 52-67). Schmidt discloses different versions of the item at the Source Code Control (SCC) System (col. 3, lines 45-58) and one or more different versions of the item at the database (col. 4, lines 44-52).

Together House and Schmidt teach the claim limitations of claim 4.

With respect to claim 5, this dependent claim is rejected for the similar rationale given for claim 4.

With respect to claim 6, this dependent claim is rejected for the similar rationale given for claim 4.

With respect to claim 7, House teaches the first program and the second program (col. 4, lines 32-49). Schmidt discloses checking the item in (col. 3, lines 57-

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60). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first program to request to check in the item and the second program check in the item into the source code control (SCC) and to combine House's first program and second program with Schmidt's checking the item into the source code control (SCC) because such a modification in House would allow House to have a Source Code Control System (SCC) that enforces the check-out regime and to control access to the first program and the second program.

With respect to claim 8, House teaches the second program (col. 4, lines 32-49)

House did not teach checking in the item into the source code control (SCC) system as saved to the database. Schmidt teaches checking in the item into the source code control (SCC) system as saved to the database (col. 4, lines 44-56). It would have been obvious to one having ordinary skill in the art at the time the invention was made to check in the item into the source code control (SCC) as saved to the database and to combine House's second program with Schmidt's checking the item into the source code control (SCC) as saved to the database because such a modification in House would allow House to have a Source Code Control System (SCC) that enforces the check-in regime and to control access to the second program and to save the item to a database. A database is well known in the art as being a file composed of records containing fields together with a set of operations for searching, sorting, recombining, and other functions.

With respect to claim 9, House teaches the database comprises a Structured Query Language (SQL) database (col. 5, lines 10-27).

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With respect to claim 10, House teaches comparing a stream of the item in the source code control (SCC) system with a stream of the item in a database (col. 7, lines 6-28); determining whether the stream in the source code control (SCC) system is identical to the stream in the database (col. 7, lines 16-22); upon determining that the system in the source code control (SCC) system is different than the stream in the database, providing a user a choice to select one of the stream in the source code control (SCC) system and the stream in the database (col. 3, lines 46-51 and col. 7, lines 30-42). House did not teach checking out the item selected by the user, such that modification of the item is restricted when the item is checked out.

Schmidt discloses checking out the item selected by the user, such that modification of the item is restricted when the item is checked out (col. 3, lines 57-68 and col. 4, lines 1-22). It would have been obvious to one having ordinary skill in the art at the time the invention was made to compare a stream of the item in the source code control (SCC) system with a stream of the item in a database, determine whether the stream in the source code control (SCC) system is different than the stream in the database, provide a user a choice to select one of the stream in the source code control (SCC) system and the stream in the database and to combine House's comparing a stream of the item in the source code control (SCC) system with a stream of the item in a database, determine whether the stream in the source code control (SCC) system is different than the stream in the database, provide a user a choice to select one of the stream in the source code control (SCC) system and the

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stream in the database with Schmidt's checking the item out because such a modification in House would allow House to have a Source Code Control System (SCC) that enforces the check-out regime and restricts the modification to the (file) item.

This claim is also rejected for the similar rationale given for claims 1-4.

With respect to claim 11, House teaches retrieving the stream of the item (col. 7, lines 16-22) and retrieving the stream of the item from the database (col. 3, lines 48-51 and col. 7, lines 6-11). House did not teach source code control (SCC) system. Schmidt discloses the source code control (SCC) system (col. 3, lines 56-58). It would have been obvious to one having ordinary skill in the art at the time the invention was made to retrieve the stream of the item and retrieve the stream of the item from the database and to combine House's retrieving the stream of the item and retrieving the stream of the item from the database with Schmidt's source code control (SCC) system because such a modification in House would allow House to have a Source Code Control System (SCC) that enforces the check-out regime and to control access.

With respect to claim 12 this dependent claim is rejected for the similar rationale given for claim 15.

With respect to claim 13 this dependent claim is rejected for the similar rationale given for claims 11 and 12.

With respect to claim 14, this dependent claim is rejected for the similar rationale given for claim 15.

With respect to claim 15, this independent claim is rejected for the similar rationale given for claim 10.

With respect to claim 16, this dependent claim is rejected for the similar rationale given for claim 11.

With respect to claim 17, this dependent claim is rejected for the similar rationale given for claim 13.

With respect to claim 18, this claim is rejected for the similar rationale given for claim 14.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Van De Vanter (US 5,805,889) discloses editing and versioning of a program.

Inquiries

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The Examiner can normally be reached on **Monday-Thursday from 6:30 am -5:00 pm.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 703-305-4393.

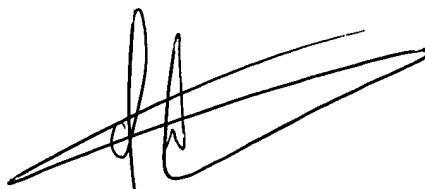
The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for Official communications, 703-746-7240 for Non-Official communications and 703-746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



E. Colbert
April 18, 2002



JEAN M. CORRIELUS
PRIMARY EXAMINER